

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALPHA MCQUEEN

Petitioner,

-v.-

Civil Action No.
9:08-cv-903 (GLS/GHL)

DEBORAH SHULT, Warden

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

ALPHA MCQUEEN
Petitioner, *Pro Se*
13619-014
N.E.O.C.C.
2240 Hubbard Rd.
Youngstown, Ohio 44505-3157

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed September 29, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge George H. Lowe filed September 29, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petition (Dkt. No. 1) is dismissed for lack of jurisdiction, and it is further

ORDERED, that the motion for injunctive relief (Dkt. No. 2) is denied as moot, and it is further

ORDERED, that the petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2) and will not issue a certificate of appealability with respect to any of the petitioner's claims, and it is further

ORDERED, that the Clerk enter judgment in favor of the respondent against the petitioner.

IT IS SO ORDERED

Dated: October 28, 2008
Albany, New York


Gary L. Sharpe
U.S. District Judge